

03-04-09

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PATENT APPLICATION
U.S. Appln. No. 10/574,437
Intl. Appln. No. PCT/IB2004/003366
Attorney Docket No. 51825-US-PCT

Express Mail Label No.: EM 335791444 US Date: February 27, 2009

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In Re Application of:

Paolo Costantino et al.

U.S. Appln. No.: 10/574,437

Intl. Appln. No.: PCT/IB2004/003366

I.A. Filing Date: October 4, 2004

Title: HYPO- AND HYPER-ACETYLATED
MENINGOCOCCAL CAPSULAR
SACCHARIDES

Confirmation No.: 9723

Group Art Unit: 1645

REPLY TO NOTIFICATION OF ABANDONMENT

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Abandonment mailed from the United States Patent and Trademark Office on February 20, 2009. Applicant believes that the Notification of Abandonment was issued in error.

The Notification of Abandonment indicated that the "Applicant has failed to respond to the notification of MISSING REQUIREMENTS (form PCT DO/EO/905), mailed August 27, 2007 within the time period set therein." In actuality, Applicant filed a response to the Notification of Defective Response within the time period set therein. As evidence, Applicant herewith submits a copy of the response to the Notification of Defective Response, filed September 27, 2007, together with a copy of the Post Card receipt, indicating that the response was received on October 1, 2007 by the United States Patent and Trademark Office.

PATENT APPLICATION
U.S. Appln. No. 10/574,437
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Attorney Docket No. 51825-US-PCT

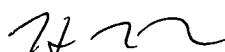
Accordingly, Applicant believes that the Notification of Abandonment was issued in error, and respectfully requests that the Notification be withdrawn.

Applicant believes that no fees are due with this response. If that is not the case, the Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account No. 03-1664.

Respectfully submitted,

NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Dated: 27 February 2009

By: 
Helen Lee
Registration No. 39,270

Customer No. 27476
NOVARTIS VACCINES AND DIAGNOSTICS, INC.
Corporate Intellectual Property – X 100B
P.O. Box 8097
Emeryville, CA 94662-8097
Tel (510) 923-2192
Fax (510) 655-3542

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MAR 02 2009
PATENT & TRADEMARK OFFICE

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8
I hereby certify that this correspondence (and all documents referred to herein) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date entered below.

September 27, 2007
Date

Sharleen Lane
Sharleen Lane

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In Re Application of: COSTANTINO et al.

U.S. Appln. No.: 10/574,437

Intl. Appln. No.: PCT/IB2004/003366

I.A. Filing Date: October 4, 2004

Title: HYPO- AND HYPER- ACETYLATED
MENINGOCOCCAL CAPSULAR
SACCHARIDES

Confirmation No.: 9723

Group Art Unit: 1645

TRANSMITTAL

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

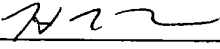
In response to the "Notification of Defective Response", mailed August 27, 2007 from the United States Patent and Trademark Office, enclosed herewith are the following documents:

1. **RETURN COPY** of Notification of Defective Response.
2. **RESPONSE** to Notification of Defective Response.
3. **RETURN RECEIPT POSTCARD.**

The Commissioner is hereby authorized to charge any deficiency in fees or credit any overpayment associated with this communication and which may be required under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 03-1664.

Respectfully submitted,
NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Date: September 27, 2007

By: 
Helen Lee
Registration No. 39,270

Customer No. 27476
NOVARTIS VACCINES AND DIAGNOSTICS, INC.
Intellectual Property – R338
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Emeryville, CA 94662-8097
Telephone: (510) 923-2192
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www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/574,437	FIRST NAMED APPLICANT Paolo Costantino	ATTY. DOCKET NO. PP021389.0013
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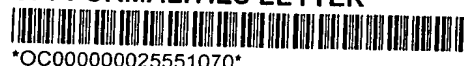
27476
NOVARTIS VACCINES AND DIAGNOSTICS INC.
INTELLECTUAL PROPERTY R338
P.O. BOX 8097
Emeryville, CA 94662-8097

INTERNATIONAL APPLICATION NO. PCT/IB04/03366	
LA. FILING DATE 10/04/2004	PRIORITY DATE 10/02/2003

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AUG 31 2007					
F/F	M/D	Inv.	RF	ASG	PA

CONFIRMATION NO. 9723

371 FORMALITIES LETTER



OC000000025551070

Date Mailed: 08/27/2007

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 04/03/2006
- Copy of the International Search Report filed on 04/03/2006
- Oath or Declaration filed on 04/25/2007
- U.S. Basic National Fees filed on 04/03/2006
- Priority Documents filed on 04/03/2006

DOCKETED on/by 9/5/07 *mmk*
Att. HL PA
File # PP 21389-0013
Due Date _____ Ext _____
Final Date 51825-45 PCT

Applicant's response filed 04/25/2007 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 02/26/2007 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - The signed oath received April 25, 2007, listed Berti, Francesco as an inventor, however he is not listed on the published IA. Please submit a corrected oath or an explanation.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.

<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

VIRGINIA L IRBY

Telephone: (703) 308-9140 EXT 229

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/574,437	PCT/IB04/03366	PP021389.0013

FORM PCT/DO/EO/916 (371 Formalities Notice)



PATENT APPLICATION
U.S. Appln. No. 10/574,437
Intl. Appln. No. PCT/IB2004/003366
Attorney Docket No. PP021389.0013

CERTIFICATE OF MAILING PURSUANT TO 37 CFR § 1.8

I hereby certify that this correspondence (and all documents referred to herein) is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date entered below.

September 27, 2007
Date

Sharleen Lane
Sharleen Lane

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In Re Application of: COSTANTINO et al.
U.S. Appln. No.: 10/574,437
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MENINGOCOCCAL CAPSULAR
SACCHARIDES

Confirmation No.: 9723
Group Art Unit: 1645

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

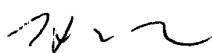
Sir:

The Notification of Defective Response, mailed August 27, 2007 from the United States Patent and Trademark Office, asked for a corrected oath or an explanation of why the inventive entity on the Declaration for Patent Application, submitted in Response to Notification of Missing Requirements on April 25, 2007, differed from that listed on the published International Application (PCT/IB2004/003366).

Applicants believe the Declaration signed by Paolo COSTANTINO and Francesco BERTI submitted April 25, 2007 sets forth the correct inventive entity. The explanation is that subsequent to the International phase, it was realized that Francesco BERTI should have been listed as an inventor. This error occurred without deceptive intent.

Respectfully submitted,
NOVARTIS VACCINES AND DIAGNOSTICS, INC.

Date: September 27, 2007

By: 
Helen Lee
Registration No. 39,270

Customer No. 27476
NOVARTIS VACCINES AND DIAGNOSTICS, INC.
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Facsimile: (510) 655-3542

APPLN. NO.: 10/574,437 (PCT/IB2004/003366) I.A. FILING DATE: October 4, 2004 DOCKET NO.: PP021389.0013

TITLE: HYPO- AND HYPER- ACETYLATED MENINGOCOCCAL CAPSULAR SACCHARIDES

ATTY: HL APPLICANT: COSTANTINO et al. DATE MAILED: September 27, 2007

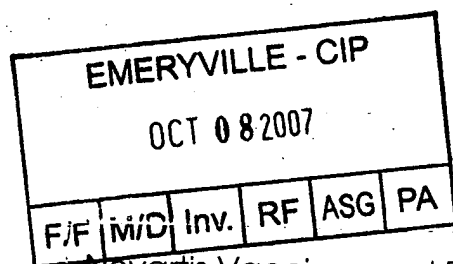
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THE U.S. PATENT AND TRADEMARK OFFICE ACKNOWLEDGES RECEIPT OF:

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| <input type="checkbox"/> Signed Declaration (_____ pages) | <input checked="" type="checkbox"/> COPY: Notification of Defective Response |
| <input type="checkbox"/> Issue Fee Transmittal B | <input type="checkbox"/> Amendment Transmittal and Petition for Extension of Time w/ copy |
| <input type="checkbox"/> Assignment with Recordation Cover Sheet _____ pages | <input type="checkbox"/> Request for Corrected Filing Receipt w/copy of Official Filing Receipt |
| <input type="checkbox"/> Informal/Formal Drawings: _____ sheets (_____ Figs) | <input type="checkbox"/> Change of Correspondence Address |
| <input type="checkbox"/> Amendment Under 37 CFR §1.57 to Incorporate by Reference | <input type="checkbox"/> Transmittal Letter to the U.S. Designated/Elected (DO/EO/US) Concerning a Filing Under 35 USC 371 |
| <input type="checkbox"/> IDS with Form 1449 and _____ references | <input checked="" type="checkbox"/> Transmittal - Response to Defective Response |
| <input type="checkbox"/> Paper Sequence Listing (14 pages) | <input checked="" type="checkbox"/> Response to Defective Response |
| <input type="checkbox"/> One (1) CD containing Sequence Listing | <input type="checkbox"/> _____ |
| <input type="checkbox"/> Transmittal of Sequence Listing and Statements under 37 CFR 1.821(f) and (g) | <input type="checkbox"/> _____ |



IAP6 Rec'd PCT/PTO 01 OCT 2007



DOCKETED on/by 10/11/07 HLE PA PP21389.0013

Novartis Vaccines and Diagnostics, Inc
Corporate Intellectual Property R-338
P.O. Box 8097
Emeryville, California 94662-8097
US

51825-45-PDT






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